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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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In re Application of

Tony Peled, Avi Treves, and Oren Rosen
Application No. 10/767,064

Filed: January 29, 2004

Attorney Docket No. 24024-506

Title: EX-VIVO EXPANSION OF
HEMATOPOIETIC SYSTEM CELL
POPULATIONS IN MONONUCLEAR
CELL CULTURES

OFFICE OF PETITIONS

DECISION ON PETITION

UNDER 37 C.F.R. §1.47(a) COPY MAILED

FEB 08 2005

OFFICE OF PETITIONS

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed November 12, 2004.

On January 29, 2004, the application was deposited, identifying Tony Peled, Avi Treves, and Oren Rosen as joint inventors. A non-executed declaration was included on filing. On June 15, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that a fully executed oath or declaration and a surcharge of \$65.00 were required. This Notice set a two-month period for reply.

With the instant petition, Petitioner has submitted the petition fee, the last known address of non-signing inventor Rosen, the surcharge, and a three-month extension of time to make timely this response.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
 - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shaneski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office



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Oren Rosen
714 Moshe Kol Street
93 715 Jerusalem
ISRAEL

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In re Application of :
Tony Peled, Avi Treves, and Oren Rosen :
Application No. 10/767,064 :
Filed: January 29, 2004 : LETTER
Attorney Docket No. 24024-506 :
Title: EX-VIVO EXPANSION OF :
HEMATOPOIETIC SYSTEM CELL POPULATIONS :
IN MONONUCLEAR CELL CULTURES :

Dear Mr. Rosen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111